

**BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Robert Stebbins, M.D.  
Certificate # G-18067**

**Respondent.**

**File No: 03-97-72189**

**DECISION**

**The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.**

**This Decision shall become effective on September 30, 1997 .**

**It is so ordered September 23, 1997 .**

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**

  
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**Anabel Anderson Imbert, M.D.  
Chair  
Panel B**

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 SUSAN K. MEADOWS  
Deputy Attorney General  
3 50 Fremont, Suite 300  
San Francisco, California 94105  
4 Telephone: (415) 356-6282

5 Attorneys for Complainant

6  
7 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
8 DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA  
9

10 In the Matter of the Accusation ) No. 039772189  
11 Against: )  
12 Robert D. Stebbins, M.D. ) STIPULATION FOR SURRENDER  
770 Welch Rd., Suite 300 ) OF LICENSURE  
13 Palo Alto, CA 94304 )  
14 Physician and Surgeon's Certificate) No. G18067  
15 Respondent.  
16  
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18 IT IS HEREBY STIPULATED by and between Robert D.  
19 Stebbins, M.D. (hereinafter "respondent") with the counsel and  
20 advice of his attorney, Edward Hinshaw, of the law firm of  
21 Hinshaw, Winkler, Draa, Marsh & Still; and complainant Ronald  
22 Joseph, in his official capacity as Executive Director of the  
23 Medical Board of California ("Board"), by and through its  
24 attorney, Daniel E. Lungren, Attorney General, by Susan Meadows,  
25 Deputy Attorney General, as follows:

26 1. The Accusation No.039772189 is presently pending  
27 against Robert D. Stebbins, M.D. (hereinafter referred to as the

"respondent"), physician and surgeon's certificate number G18067, before the Division of Medical Quality of the Medical Board of California (hereinafter referred to as the "Division").

2. The complainant in said Accusation, Ron Joseph, was the Executive Director of the Board at the time the accusation was filed and brought said Accusation in his official capacity only.

3. Respondent has fully discussed with his attorney, Edward Hinshaw, the charges and allegations contained in the Accusation and therefore has been fully advised concerning his rights in this matter.

4. Respondent's license history and status as set forth in paragraph 2 of the Accusation is true and correct and respondent's address of record is as set forth in the caption of this Stipulation. (A copy of the Accusation is attached hereto and made a part hereof).

5. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, such charges and allegations would constitute cause for imposing discipline upon respondent's license issued by the Board.

6. Respondent and his counsel are aware of each of respondent's rights, including the right to a hearing on the charges and allegations, the right to confront and cross-examine witnesses who would testify against respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and

1 allegations, and other rights which are accorded respondent  
2 pursuant to the California Administrative Procedure Act (Gov.  
3 Code, § 11500 et seq.) and other applicable laws, including the  
4 right to seek reconsideration, review by the superior court, and  
5 appellate review.

6           7. In order to avoid the expense and uncertainty of a  
7 hearing, respondent freely and voluntarily waives each and every  
8 one of these rights set forth above. Respondent desires to  
9 surrender his license. For purposes of settlement of this  
10 action, respondent agrees that if the charges and allegations  
11 were proved at hearing, cause would exist to impose discipline on  
12 his license pursuant to Business and Professions Code section  
13 2234, and hereby surrenders his license for the Division's formal  
14 acceptance.

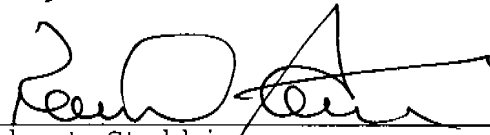
15           8. Respondent understands that by signing this  
16 stipulation he is enabling the Division of Medical Quality to  
17 issue its order accepting the surrender of his license without  
18 further process. He understands and agrees that Board staff and  
19 counsel for complainant may communicate directly with the  
20 Division regarding this stipulation, without notice to or  
21 participation by respondent or his counsel.

22           9. Upon acceptance of the stipulation by the  
23 Division, respondent understands that he will no longer be  
24 permitted to practice as a physician in California, and also  
25 agrees to surrender and cause to be delivered to the Division  
26 both his license and wallet certificate before the effective date  
27 of the decision.




1 advice of counsel, and with full knowledge of its force and  
2 effect, do hereby surrender my License No. G18067, to the  
3 Division of Medical Quality, Medical Board of California for its  
4 formal acceptance. By signing this stipulation to surrender my  
5 license, I recognize that upon its formal acceptance by the  
6 Division, I will lose all rights and privileges to practice as a  
7 physician and surgeon in the State of California and I also will  
8 cause to be delivered to the Division both my license and wallet  
9 certificate before the effective date of the decision.

10 DATED: August 18, 1997.

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12 \_\_\_\_\_  
13 Robert Stebbins  
14 Respondent

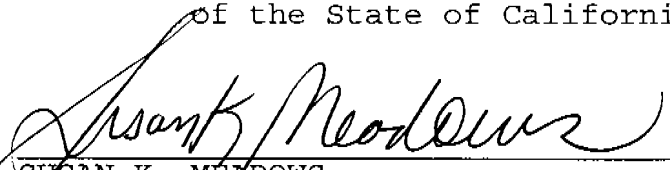
15 I concur in the stipulation.

16 DATED: August 18, 1997.

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18 \_\_\_\_\_  
19 Edward Hinshaw  
20 HINSHAW, WINKLER, DRAA, MARSH & STILL  
21 Attorney for Respondent

22 DATED: Aug 5, 1997.

23 DANIEL E. LUNGREN, Attorney General  
24 of the State of California

25   
26 \_\_\_\_\_  
27 SUSAN K. MEADOWS  
Deputy Attorney General

Attorneys for Complainant

## **EXHIBIT A**

1 DANIEL E. LUNGREN, Attorney General  
2 of the State of California  
3 Susan Kay Meadows  
4 Deputy Attorney General  
5 California Department of Justice  
6 50 Fremont Street, Suite 300  
7 San Francisco, California 94105  
8 Telephone: (415) 356-6282  
9 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 22 1997  
BY W. J. Byrne ASSOCIATE

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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation ) Case No. 039772189  
12 Against: )  
13 Robert D. Stebbins, M.D. )  
14 770 Welch Rd., Suite 300 ) ACCUSATION  
15 Palo Alto, CA 94304 )  
16 License No. G18067 )  
17 Respondent. )

18 The Complainant alleges:

19 PARTIES

20 1. Complainant, Ron Joseph, is the Executive Director  
21 of the Medical Board of California (hereinafter the "Board") and  
22 brings this accusation solely in his official capacity.

23 2. On or about March 19, 1970, License No. G18067 was  
24 issued by the Board to Robert D. Stebbins (hereinafter  
25 "respondent"), and at all times relevant to the charges brought  
26 herein, this license has been in full force and effect. Unless  
27 renewed, it will expire on November 30, 1997.

## JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code"):

A. Section 2227 of the Code provides:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the division.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the division.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the division.

(4) Be publicly reprimanded by the division.

(5) Have any other action taken in relation to discipline as the division or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a),

1 except for warning letters, medical review or advisory  
2 conferences, or other matters made confidential or  
3 privileged by existing law, is deemed public, and shall  
4 be made available to the public by the board.

5 Section 2227 of the Code provides that the Board may revoke,  
6 suspend for a period not to exceed one year, or place on  
7 probation, the license of any licensee who has been found guilty  
8 under the Medical Practice Act.

9 B. Section 2234 of the Code provides that  
10 unprofessional conduct includes, but is not limited to, the  
11 following:

12 "(a) Violating or attempting to violate, directly or  
13 indirectly, or assisting in or abetting the violation of, or  
14 conspiring to violate, any provision of this chapter.

15 (b) Gross negligence.

16 (c) Repeated Negligent Acts

17 C. Section 125.3 of the Code provides, in part, that  
18 the Board may request the administrative law judge to  
19 direct any licensee found to have committed a  
20 violation or violations of the licensing act, to pay  
21 the Board a sum not to exceed the reasonable costs of  
22 the investigation and enforcement of the case.

23 D. Section 726 of the Code provides:

24 The commission of any act of sexual abuse, misconduct,  
25 or relations with a patient, client, or customer constitutes  
26 unprofessional conduct and grounds for disciplinary action for  
27 any person licensed under this division, under any initiative act

1 referred to in this division and under Chapter 17 (commencing  
2 with Section 9000) of Division 3.

3 E. Section 16.01 of the Budget Act of 1996 provides:

4 (a) No funds appropriated by this act may be  
5 expended to pay any Medi-Cal claim for any service  
6 performed by a physician while that physician's license  
7 is under suspension or revocation due to a disciplinary  
8 action of the Medical Board of California.

9 (b) No funds appropriated by this act may be  
10 expended to pay any Medi-Cal claim for any surgical  
11 service or other invasive procedure performed on any  
12 Medi-Cal beneficiary by a physician if that physician  
13 has been placed on probation due to a disciplinary  
14 action of the Medical Board of California related to  
15 the performance of that specific service or procedure  
16 on any patient, except in any case where the Board  
17 makes a determination during its disciplinary process  
18 that there exist compelling circumstances that warrant  
19 continued Medi-Cal reimbursement during the  
20 probationary period.

21 (c) The State Department of Health Services shall  
22 ensure that no Medi-Cal claim is paid in violation of  
23 subdivision (a) or (b).

24 (d) The Medical Board of California shall work  
25 with the State Department of Health Services to provide  
26 all information necessary to accomplish the purposes of  
27 this section. The Board and the department shall

1 report to the Legislature, upon the conclusion of each  
2 calendar quarter of the 1996-97 fiscal year, the number  
3 of physicians on probation who are not receiving Medi-  
4 Cal reimbursement as a result of this section, and the  
5 number of physicians on probation who continue to be  
6 eligible for Medi-Cal reimbursement as a result of a  
7 determination of the Board.

8  
9 **FIRST CAUSE FOR DISCIPLINE**

10 (Patient A.C.<sup>1/</sup>)

11 (Sexual Misconduct/Gross Negligence/Unprofessional Conduct)

12 4. From, January of 1993 until approximately August  
13 of 1996, respondent, an oncologist, undertook to treat patient  
14 A.C. for breast cancer. On or about 1996, while A.C. was a  
15 patient and undergoing treatment and follow-up care with  
16 respondent, respondent and A.C. engaged in a romantic and sexual  
17 relationship.

18 5. Respondent's conduct with respect to patient A.C.  
19 as alleged above constitutes sexual misconduct with a patient  
20 and/or gross negligence and unprofessional conduct and is cause  
21 for disciplinary action pursuant to section 726, section 2234(b),  
22 and section 2234 of the Code.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Patient C.O.)  
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26 1. Initials are used to identify the patients in this  
27 Accusation to protect their privacy. The full names of the  
patients identified will be disclosed to respondent pursuant to  
any Request for Discovery.

1 (Sexual Misconduct/Gross Negligence/Unprofessional Conduct)

2 6. From approximately February of 1996 through January  
3 of 1997, respondent undertook to treat patient C.O. On or about  
4 September of 1996, while C.O. was still under respondent's care  
5 and treatment, respondent and C.O. engaged in a romantic and  
6 sexual relationship.

7 7. Respondent's conduct as alleged in paragraph 6  
8 constitutes sexual misconduct with a patient and/or gross  
9 negligence and unprofessional conduct and is cause for  
10 disciplinary action pursuant to section 726, section 2234(b) and  
11 section 2234 of the Code.

12 THIRD CAUSE FOR DISCIPLINE

13 (Patients A.C and C.O.)

14 (Repeated Negligent Acts)

15 8. Respondent's conduct as set forth above in all  
16 Causes for Discipline constitutes cause for discipline pursuant  
17 to section 2234 (c) (repeated negligent acts) of the Code.

18 PRAYER

19 **WHEREFORE**, the complainant requests that a hearing be  
20 held on the matters herein alleged, and that following the  
21 hearing, the Division issue a decision:

22 1. Revoking or suspending License Number G18067  
23 heretofore issued to respondent Robert D. Stebbins, M.D.;

24 2. Revoking, suspending or denying approval of the  
25 respondent's authority to supervise physician's assistants,  
26 pursuant to Business and Professions Code section 3527;

27 3. Ordering respondent to pay the Division the actual

1 and reasonable costs of the investigation and enforcement of this  
2 case under section 125.3 of the Code; and, if placed on  
3 probation, the costs of probation monitoring.

4 4. Taking such other and further action as the  
5 Division deems necessary and proper.

6 DATED: May 22, 1997

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Ron Joseph  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant